

# Prevention of Crime (Ireland) Bill.

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A  
B I L L

FOR

The prevention of Crime in Ireland.

A.D. 1882.

WHEREAS by reason of the action of secret societies and combinations for illegal purposes in Ireland the operation of the ordinary law has become insufficient for the repression and prevention of crime, and it is expedient to make further provision for that purpose :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

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PART I.

SPECIAL COMMISSION.

1. (1.) The Lord Lieutenant may from time to time direct a commission or commissions to be issued for the appointment of a court or courts of special commissioners for the trial in manner provided by this Act of persons charged with any of the following offences; that is to say, Special Commission Court.

- (a.) Treason or treason-felony ;  
 (b.) Murder or manslaughter ;  
 (c.) Attempt to kill ;  
 20 (d.) Aggravated crime of violence against the person ;  
 (e.) Arson, whether by common law or by statute ;  
 (f.) Attack on dwelling-house ;

and whenever it appears to the Lord Lieutenant that in the case of any person committed for trial for any of the said offences a just and impartial trial cannot be had according to the ordinary course of law, the Lord Lieutenant may by warrant assign to any such court of Special Commissioners (in this Act referred to as a Special Commission court) the duty of sitting at the place named in the warrant and of there, without a jury, hearing and determining, according to law, the charge made against the person so committed for trial and named in the warrant, and of doing therein what to justice appertains.

[Bill 157.]

A 2

A.D. 1893.

(2.) A Special Commission court shall consist of three judges of the Supreme Court of Judicature in Ireland (other than the Lord Chancellor), to be named in such commission, and they shall try, according to the tenor of a warrant under this Act, all persons named in the warrant who may be brought before them for trial. 5

(3.) The evidence taken on a trial before a Special Commission court shall be taken down by a shorthand writer, who shall be sworn to take the same accurately to the best of his ability.

(4.) A person tried by a Special Commission court shall be acquitted unless the whole court concur in his conviction. 10

(5.) The Lord Lieutenant shall from time to time provide for the payment of the reasonable expenses of witnesses required for the defence of a person brought for trial before a Special Commission court.

Appeal from  
Special Com-  
mission court  
to Court of  
Criminal  
Appeal.

2. (1.) Any person convicted by a Special Commission court 15 under this Act may, subject to the provisions of this Act, appeal either against the conviction and sentence of the court, or against the sentence alone, to the Court of Criminal Appeal herein-after mentioned, on any ground, whether of law or of fact; and the Court of Criminal Appeal shall (subject to the provisions of this Act) have 20 power after hearing the appeal to confirm the conviction and sentence, or to enter an acquittal, or to vary the conviction or sentence.

Provided that—

(a.) The conviction shall not be varied save by substituting a 25 conviction for some less offence, for which the Special Commission court had jurisdiction on the trial to convict the appellant; and

(b.) The sentence shall not be increased.

(2.) The conviction and sentence as confirmed or varied by the 30 Court of Criminal Appeal shall have effect as if it were the conviction and sentence of the Special Commission court, and shall be deemed to be the sentence of a Special Commission court.

(3.) If the appellant establishes want of jurisdiction in the Special Commission court, the Court of Criminal Appeal may 35 quash the proceedings.

(4.) The Court of Criminal Appeal shall have for the purpose of any appeal all the powers and jurisdiction of the Special Commission court.

Constitution  
of Court of  
Criminal  
Appeal.  
40 & 41 Vict.  
c. 57.

3. (1.) The Court of Criminal Appeal under this Act shall 40 consist of the judges of the Supreme Court of Judicature in Ireland (with the exception of the Lord Chancellor), and any of

those judges not less than five may sit and exercise the powers of the court. A.D. 1882.

(2.) The judges shall sit according to a rota to be from time to time determined by the Lord Chancellor;

- 5 Provided that a judge who sat in the Special Commission court shall not sit in the Court of Criminal Appeal on any appeal against a conviction or sentence by that Special Commission court to which he was a party.

(3.) The determination of any appeal shall be according to the  
10 determination of a majority of the judges who heard the appeal.

## PART II.

### OFFENCES AGAINST THIS ACT.

4. Every person who—

- Wrongfully and without legal authority uses intimidation, or  
15 incites any other person to use intimidation, *Intimidation.*

(a.) with a view to cause any person or persons, either to do any act which such person or persons has or have a legal right to abstain from doing, or to abstain from doing any act which such person or persons has or have a legal right to do; or

- 20 (b.) towards any person or persons in consequence, either of his or their having done any act which he or they had a legal right to do, or of his or their having abstained from doing any act which he or they had a legal right to abstain from doing, shall be guilty of an offence against this Act.

- 25 In this Act the expression "intimidation" includes any word spoken or not done calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of his property, business, or means of living.

30 5. Every person who—

(a.) Takes part in any riot or unlawful assembly; or

- (b.) Within *six* months after the execution of any writ of possession or decree for possession of any house or land takes or holds possession of such house or land or any part thereof without  
35 the consent of the owner; or

(c.) Commits an aggravated crime of violence against the person;

or

(d.) Commits an assault on any constable, bailiff, process server, or other minister of the law,

- 40 shall be guilty of an offence against this Act.

Riots and  
other offences.

A.D. 1881.

Unlawful associations.

## 6. Every person who—

- (a.) Is a member of an unlawful association as defined by this Act; or
  - (b.) Solicits or receives or pays any money for the use of an unlawful association as defined by this Act; or
  - (c.) Uses any badge or ticket indicating connexion with an unlawful association as defined by this Act; or
  - (d.) Knowingly takes part in the proceedings of an unlawful association as defined by this Act, or of any meeting thereof, or of any meeting for the purpose of promoting the purposes of any such unlawful association, or any of those purposes—
- shall be guilty of an offence against this Act.

Illegal meetings.

7. (1.) The Lord Lieutenant may from time to time, by order in writing to be published in the prescribed manner, prohibit any meeting which he has reason to believe to be dangerous to the public peace or the public safety.

(2.) Any person who is present at a meeting prohibited in pursuance of this Act shall be guilty of an offence against this Act.

Arrest of persons found at night under suspicious circumstances.

8. (1.) In a proclaimed district, if a person is out of his place of abode at any time after one hour later than sunset and before sunrise under suspicious circumstances, any constable may arrest that person and bring him forthwith before a justice of the peace, and such justice, after inquiry into the circumstances of the case, may either discharge him or take the necessary steps, by committing him to prison or taking bail, to bring him before a court of summary jurisdiction acting under this Act, and if such person, on appearing before a court of summary jurisdiction acting under this Act fails to satisfy the court that he was out of his place of abode upon some lawful occasion or business he shall be guilty of an offence against this Act.

(2.) Upon the hearing of a charge under this section against a person, that person may, if he thinks fit, be examined as an ordinary witness in the case.

## PART III.

## GENERAL POWERS.

Arrest of strangers found under suspicious circumstances.

9. (1.) If a constable finds in a proclaimed district any stranger under suspicious circumstances, he may arrest such stranger and bring him before a justice of the peace, and, unless such stranger satisfies the justice that he is in such place for a lawful object, the

justice may require him to give security by entering into a recognizance with sureties to keep the peace and to be of good behaviour during the ensuing *six months*, and, in default of his giving such security, may commit him to prison until he gives such security or is discharged in pursuance of this section, so however that he shall not be so imprisoned for more than *one month*.

(2.) The said justice may for good cause discharge a person so committed, and in any case shall forthwith transmit a report of the committal to the Lord Lieutenant, stating the grounds of the committal, the security required, and any explanation given by the prisoner by way of defence. The Lord Lieutenant may order the prisoner to be discharged if it seems just to him so to do.

10. (1.) Where *after the passing of this Act* any newspaper *anywhere printed is circulated or attempted to be circulated in Ireland, and any copy of such newspaper appears to the Lord Lieutenant to contain matter inciting to the commission of treason or of any act of violence or intimidation, the Lord Lieutenant may order that all copies of such newspaper containing that matter shall, when found in Ireland, be forfeited to Her Majesty, and any constable duly authorised by the Lord Lieutenant may seize the same.* Newspapers

(2.) Where the Lord Lieutenant has ordered any copies of a newspaper to be forfeited under this section he may, if the printer or publisher of such newspaper can be found in Ireland, cause notice to be served on such printer or publisher requiring such printer or publisher to give security to an amount not exceeding *two hundred pounds* not to print or publish any newspaper containing any matter inciting to the commission of treason, or of any act of violence or intimidation, and such security may be given by the deposit of money or by recognizance with sufficient sureties acknowledged before any justice of the peace, or in such other manner as the Lord Lieutenant may allow.

(3.) If a person on whom such notice is served fails to give such security within *fourteen days* after service of the notice he shall not, until permitted by the Lord Lieutenant, print or publish any newspaper in Ireland, and if he does so, all copies of any newspaper printed or published by him, whether in Ireland or elsewhere, shall, when found in Ireland, be forfeited to Her Majesty, and any constable duly authorised by the Lord Lieutenant may seize the same.

(4.) If a person on whom such notice is served gives such security, and the Lord Lieutenant orders any copy of any newspaper subsequently printed or published by such person to be forfeited by reason of its containing any matter inciting to the

A.D. 1882. commission of treason or of any act of violence or intimidation, the security so given by him shall be forfeited to Her Majesty.

(5.) A notice under this section may be served by delivery of the same to the person to be served, or at his last known place of abode or business, or at the premises at which the newspaper, 5 or any part thereof, is printed or published, or by affixing the same to the outer door or other conspicuous part of such premises.

(6.) For the purposes of this section "person" shall be deemed to include a body of persons corporate or unincorporate.

Searches for  
arms and il-  
legal docu-  
ments.

11.—(1.) It shall be lawful for the Lord Lieutenant from time to 10 time by warrant to direct the inspectors and sub-inspectors of constabulary for the time being acting in any constabulary district, or any of them, to search for and seize in any proclaimed district, or in any part thereof, specified in the warrant, all or any of the following articles; that is to say, any arms, ammunition, papers, 15 documents, instruments, or articles suspected to be used or to be intended to be used for the purpose of or in connexion with any secret society or secret association existing for criminal purposes; all such articles when seized shall be forfeited to Her Majesty.

(2.) Any inspector or sub-inspector so authorised by the warrant 20 may, at any time within three months from the date of the warrant, and at any place within the proclaimed district or the part thereof specified in the warrant, together with such constables and other persons as he calls to his assistance, seize, detain, and carry away any of the articles above mentioned which he may find; and for 25 the purposes aforesaid may at any time enter into any house, building, or place, and if admittance is refused or is not obtained within a reasonable time after it is first demanded, may enter by force in order to execute such warrant.

(3.) The person so executing the warrant shall, if desired, before 30 executing the warrant produce the same.

Application  
of Alien  
Act to  
aliens in  
Ireland.

12. The Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter twenty, intituled "An 35 " Act to authorise for one year and to the end of the then next " session of Parliament the removal of aliens from the realm," is hereby re-enacted, and shall continue in force *for the same period as this Act*, and shall have effect as if it were contained in this Act, with the following modification, that an order shall not be made directing any alien within Great Britain to depart this realm, except in the case where an order of the Lord Lieutenant has been 40 made directing an alien in Ireland to depart the realm, but in such case an order may be made in Great Britain respecting such alien.



13. Where an offence has been committed, any resident magistrate in the county or place in which the offence was committed, although no person may be charged before him with the commission of such offence, may summon to appear before him any person within his jurisdiction whom he has reason to believe to be capable of giving material evidence concerning such offence, and he may examine such person on oath concerning any such offence, and, if he see cause, may bind such person by recognizance to appear and give evidence at the next petty sessions, or when called upon; and the law relating to a witness when summoned before a justice having jurisdiction and required to give evidence concerning the matter of an information or complaint shall apply to a witness summoned under this section.

A.D. 1882.

Power of  
justices to  
summon  
witnesses.

14. Whenever any person is bound by recognizance to give evidence before justices, or any criminal court, any justice, if he sees fit, upon information being made in writing, and on oath, that such person is about to abscond, or has absconded, may issue his warrant for the arrest of such person, and if such person is arrested any justice, upon being satisfied that the ends of justice would otherwise be defeated, may commit such person to prison until the time at which he is bound by such recognizance to give evidence, or until he produces other sufficient sureties, as the case may be, in like manner as before.

Power of ap-  
prehending  
absconding  
witnesses.

15. (1.) When it appears to the Lord Lieutenant from time to time, that by reason of the existence or apprehension of crime and outrage in any district, the numbers of constabulary ordinarily employed in such district are not sufficient, he may order additional constabulary to be employed in such district, and for that purpose may from time to time add to the Royal Irish Constabulary such officers and men (if any) as he thinks necessary.

Additional  
constabulary  
force.

(2.) The Inspector-General of the Royal Irish Constabulary shall from time to time make out, in such manner as the Lord Lieutenant may order, an account of the total cost of any additional constabulary employed in any district, and shall certify the amount to the Lord Lieutenant.

(3.) The whole, or such part of the whole as the Lord Lieutenant may order, of the amount so certified, shall be a charge payable by the district in which such additional constabulary are employed, or by any limited portion of that district as the Lord Lieutenant may order. And the Lord Lieutenant may exempt from charge any specified portion of the area declared to be chargeable, or any specified rateable property in such area.

[187.]

B

A.D. 1882.

Power of  
Lord Lieuten-  
ant as to com-  
pensation, to  
be paid in  
certain cases  
of murder or  
maiming.

16. (1.) Where it appears that any one has been murdered, maimed, or otherwise injured in his person, and that such murder, maiming, or injury is a crime of the character commonly known as agrarian, or arising out of any unlawful association, and a claim is made for compensation, the Lord Lieutenant may by warrant 5 nominate such person or persons as he thinks fit to investigate the claim, and after hearing all parties whom he or they deem to be interested to report to the Lord Lieutenant thereon.

(2.) For the purpose of such investigation the person or persons so nominated shall, with respect to enforcing the attendance of 10 witnesses and all other matters, have the same power as justices sitting in petty sessions. Such notice shall be given of the place and time at which the investigation will be held, and the investigation shall be proceeded with in such manner, and the report to the Lord Lieutenant shall be made in such manner as the Lord Lieutenant 15 may direct. *The remuneration of such person or persons and the expenses of holding the investigation, to such amount as may be fixed by the Lord Lieutenant, with the approval of Her Majesty's Treasury, shall be defrayed out of moneys to be provided by Parliament.*

(3.) Upon such report, the Lord Lieutenant may dismiss the 20 claim if he thinks fit, or may award such sum for compensation as he thinks just.

(4.) The said sum shall be a charge payable by such district and in such instalments as the Lord Lieutenant may by warrant order.

(5.) Claims under this Act may be made by the personal repre- 25 sentative or one of the next-of-kin of any person murdered, or by any person maimed or injured, or by a Crown solicitor, or by any person in that behalf authorised by the Lord Lieutenant.

Description  
of "district,"  
and provision  
as to raising  
charges.

17. (1.) For the purpose of the provisions of this Act with respect to additional constabulary in any district, and compensation 30 in cases of murder, maiming, or injury, the expression "district" means any county, barony, townland, or parish, or part or parts thereof respectively.

(2.) Any charge in respect of such additional constabulary, or any sum for such compensation as aforesaid, which is for the time being 35 a charge payable by any district shall be apportioned rateably upon all rateable hereditaments in the district, and shall be payable by the occupiers thereof:

(3.) Such apportionment shall be made and such charges collected by persons for the time being appointed by warrant of the Lord 40 Lieutenant for that purpose; and every person so appointed collector shall, for the purpose of such collection, have all the powers

authorities, and remedies given by law to the collector of grand jury cess, and shall account for the sums which he is authorised to collect in manner directed from time to time by the Lord Lieutenant, and the Lord Lieutenant's warrant shall be conclusive proof that the sums named in the warrant are to be raised in the district as therein mentioned, and that the person named in the warrant is authorised to collect the same.

A.D. 1882.

## PART IV.

## SUPPLEMENTAL PROVISIONS AND DEFINITIONS.

- 10 18. A person guilty of an offence against this Act shall be liable on summary conviction to imprisonment with or without hard labour for a term not exceeding six months. Punishment for offence against Act.

19. Any offence against this Act may be prosecuted—

- 15 (a.) Within the police district of Dublin metropolis before a police magistrate, in manner provided by the Acts regulating the powers and duties of justices of the peace of such district, or of the police of such district; and Court of summary jurisdiction.
- (b.) Elsewhere before two Resident magistrates in petty sessions, in manner provided by the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same:

20 And in this Act the expression "court of summary jurisdiction acting under this Act" means any such police magistrate or two resident magistrates.

Provided that—

- 25 (1.) The petty sessions held by two resident magistrates may be held at the place fixed for the holding of petty sessions, either on the days fixed in pursuance of the said Acts for the holding of petty sessions at that place, or on such other days as two resident magistrates may from time to time fix; and
- 30 (2.) A person convicted of any offence under this Act by such police magistrate or resident magistrates shall not have a right of appeal to a court of quarter sessions.

20. The Lord Lieutenant, by and with the advice of the Privy Council in Ireland, may from time to time, when it appears to him necessary for the prevention of crime and outrage, by proclamation declare the provisions of this Act which relate to proclaimed districts or any of those provisions to be in force within any specified part of Ireland as from the date of the proclamation, or any later

Proclamation of districts.

A.D. 1882.

date specified in the proclamation; and the provisions of this Act which are mentioned in the proclamation shall after the said date be in force within such specified part of Ireland, and that part of Ireland shall be a proclaimed district within the meaning of the provisions so mentioned. The proclamation shall provide for the manner of the promulgation thereof. 5

Supple-  
mental pro-  
visions as  
to procla-  
mations and  
orders.

21. (1.) The Lord Lieutenant, by and with the advice of the Privy Council, may, by a further proclamation or order, from time to time alter or revoke any proclamation or order made by him under this Act. A copy of every proclamation under this Act shall be laid before each House of Parliament within fourteen days after the making thereof, if Parliament is then sitting, and if not, then within *fourteen* days after the next meeting of Parliament. 10

(2.) Any warrant, order, notice, or other document of the Lord Lieutenant under this Act may be signified under his hand or under the hand of the Chief Secretary to the Lord Lieutenant. 15

(3.) Every proclamation under this Act, and a notice of the promulgation thereof in the manner provided, shall be published in the Dublin Gazette.

(4.) [The production of a printed copy of the Dublin Gazette purporting to be printed and published by the Queen's authority, and containing the publication of any proclamation, order, or notice under this Act, shall be conclusive evidence of the contents of such proclamation, order, or notice, and of the date thereof, and in the case of a proclamation that the district specified in such proclamation is a proclaimed district within the meaning of the provisions of this Act mentioned in the proclamation, and that the said proclamation has been duly promulgated. 20 25

Regulations  
as to Courts.

22. (1.) Commissions under this Act constituting a Special Commission Court shall be in the prescribed form and be issued in the prescribed manner. 30

(2.) Subject to the provisions of this Act, and for the purpose of the trial of any persons charged before them, a Special Commission court shall have all the powers and jurisdiction of Her Majesty's High Court of Justice in Ireland, and all the same powers and jurisdiction as if it were a court of oyer and terminer, and a court of gaol delivery, trying with a jury an offender indicted before such court, and shall have all the powers of a petty jury at such court. 35

(3.) Any offence with which a person brought for trial before a Special Commission Court in pursuance of this Act is charged shall be deemed to have been committed within the jurisdiction of such court. 40

(3.) The Lord Lieutenant may from time to time issue such general or special orders as to him may seem meet, for bringing before a Special Commission court and the Court of Criminal Appeal, or either of such courts, any person directed to be tried by a Special Commission court, and any indictment, documents, and things which may be required in relation to or in connexion with such trial, and for executing and carrying into effect any sentence passed by a Special Commission court, and as to the imprisonment of any person directed to be tried before a Special Commission court, between the time of his being directed to be so tried and the time of his acquittal or of his final sentence, as the case may require; and as to the reception or sitting of any such courts at any place, and as to the nomination and duties of the officers of any such courts.

(4.) All sheriffs, coroners, justices of the peace, gaolers, constables, officers, ministers, and other persons to whom any order made in pursuance of this section, may be issued, and to whom the execution thereof may appertain, shall execute, enforce, and obey the same.

(5.) Sentence of death passed by a Special Commission court shall be carried into effect in the county or place where the trial is held by the sheriff having jurisdiction therein, or in such other place and by such other sheriff or officer as the Lord Lieutenant may direct.

(6.) The indictment against a person brought for trial before a Special Commission court shall be prepared in the prescribed manner, and shall be in the prescribed form, and shall be of the same effect as if it were, and shall, so far as circumstances may admit, be deemed for all the purposes of the trial to be, an indictment found by a grand jury, and the proceedings before a Special Commission court shall, so far as circumstances may admit, be conducted in like manner as the proceedings on the trial of an indictment before a court of oyer and terminer, and the court shall have the same power of amending any indictment or other document or proceeding which a court of oyer and terminer has.

(7.) An objection to the jurisdiction of a Special Commission court to try a person in pursuance of a warrant under this Act shall not be entertained by reason only of any want of form in the warrant or of any mistake in the name or description of such person in the warrant if it is shown that the person tried is the person to whom the warrant relates; and an objection to the proceedings of such court for any want of form on the trial of any person shall not be entertained, if no injustice was thereby done to such person.

A.D. 1882.  
Rules of pro-  
cedure in  
Schedule.

23. The rules in the schedule to this Act with respect to procedure on appeals under this Act to the Court of Criminal Appeal and the other matters therein mentioned shall have the same effect as if enacted in the body of this Act.

Allowances  
to judges,  
witnesses,  
and others.

24. There shall be paid out of moneys provided by Parliament such allowances to judges and officers and other persons acting in pursuance of this Act, and such expenses incurred in reference to any court established or exercising jurisdiction under this Act, and such expenses of witnesses payable in pursuance of this Act, as the Lord Lieutenant, with the approval of the Commissioners of Her Majesty's Treasury, may from time to time appoint.

Rules for  
procedure  
and matters  
to be pre-  
scribed.

25. The Lord Lieutenant may from time to time by and with the advice of the Privy Council make, and when made revoke, add to, and alter rules in relation to the following matters :

- (1.) For adapting the procedure on the trial of criminal cases, including the forms of indictment and other matters, to a Special Commission court under this Act ; and
- (2.) In relation to the procedure on appeals from a Special Commission Court under this Act ; and
- (3.) In relation to any matter by this Act directed to be pre-

scribed ;  
and any rules made in pursuance of this Act shall be of the same validity as if they were contained in this Act.

Powers of  
Act to be  
cumulative.

26. Any powers or jurisdiction conferred by this Act on any court or authority in relation to any offence or matter shall be deemed to be in addition to and not in derogation of any other powers or jurisdiction of any court or authority subsisting at common law or by Act of Parliament in relation to such offence or matter :

Provided that no person shall be tried or punished twice for the same offence.

Definition of  
"unlawful  
association."

27. The expression "unlawful association" means an association formed or carrying on operations :—

- (a.) for the commission of crimes ; or
- (b.) for encouraging or aiding persons to commit crimes ;

and the expression "crime" for the purposes of this section means any offence against this Act, and also any crime punishable on indictment by imprisonment with hard labour, or by any greater punishment.

General  
definitions.

28. In this Act unless the context otherwise requires—  
The expression "Lord Lieutenant" means the Lord Lieutenant

of Ireland or other Chief Governor or Governors of Ireland A.D. 1882.  
for the time being.

The expressions "arms" and "ammunition" respectively have 44 & 45 Vict.  
the same meaning as in the Peace Preservation (Ireland) c. 3.  
Act, 1881.

The expression "prescribed" means prescribed by rules to be  
made by the Lord Lieutenant in manner provided by this Act.

The expression "committed for trial" means a person com-  
mitted to gaol to be there kept until his trial for an offence,  
or admitted to bail on the condition of his appearing to take  
his trial for any offence.

The expression "aggravated act of violence against the  
person" means an assault which either causes actual bodily  
harm or grievous bodily harm, or is committed with intent  
to cause grievous bodily harm.

The expression "attack on a dwelling house" means any  
crime cognisable by law involving the breaking into, firing  
at, or otherwise assaulting or injuring a dwelling house.

The expression "resident magistrate" means a magistrate  
appointed in pursuance of the Act of the session of the sixth  
and seventh years of the reign of King William the Fourth,  
chapter thirteen, intituled "An Act to consolidate the laws  
relating to the constabulary force in Ireland," and of the  
Acts amending the same, and includes any police magistrate  
within the police district of Dublin metropolis.

The expression "inspector of constabulary" means a county  
inspector of the Royal Irish Constabulary, and includes an  
inspector of the Dublin metropolitan police, and the  
expression "sub-inspector of constabulary" means a sub-  
inspector of the Royal Irish Constabulary.

The expression "judges of the Supreme Court of Judicature"  
means the judges of Her Majesty's Court of Appeal and  
of Her Majesty's High Court of Justice in Ireland.

29. This Act may be cited as the Prevention of Crime (Ireland) Short title.  
Act, 1882.

30. This Act shall continue in force until the expiration of Duration of  
three years next after the passing thereof, and to the end of the Act.  
then current session of Parliament.

Provided, that the expiration of this Act shall not affect the  
validity of anything done in pursuance of this Act, and any person  
convicted under this Act may be punished as if this Act continued

A.D. 1882. in force, and all appeals, prosecutions, and other legal proceedings pending under this Act at the time of the expiration thereof may be carried on, completed and carried into effect, and the sentences carried into execution, as if this Act had not expired.



## SCHEDULE.

## RULES for APPEALS to the COURT OF CRIMINAL APPEAL.

(1.) Notice of the appeal shall be given within seven days after the day on which the appellant was sentenced, or such further time  
5 as may be allowed by the said Special Commission Court, or by the Court of Criminal Appeal.

(2.) The said notice shall be served in the prescribed manner on the master of the Crown Office, or other prescribed person (who is in this Schedule included in the term Master of the Crown  
10 Office), but such notice shall not be invalidated by any informality in the procedure.

(3.) The master of the Crown Office shall forthwith in the prescribed manner give notice to the Attorney-General, and to the Special Commission court before which the appellant was tried,  
15 and the latter court shall forthwith forward in the prescribed manner for the use of the Court of Criminal Appeal copies of the shorthand writer's notes, and all indictments, documents, and things connected with the case.

(4.) The master of the Crown Office shall forthwith give notice  
20 to the judges whose duty it is, according to the rota, to sit in the Court of Criminal Appeal, and those judges shall, notwithstanding any vacation, forthwith proceed to hold a court, and hear and determine the appeal.

(5.) Unless the Court of Criminal Appeal on the application of  
25 the appellant, or of the Attorney-General, for special reason otherwise orders, the court shall be held within fourteen days after the day on which the appellant was convicted or sentenced, and shall sit from day to day to hear the appeal.

(6.) The appeal shall be heard in open court in the presence of  
30 the appellant, and the appellant may appear by counsel or solicitor.

(7.) The court may re-hear the case by the reading of the evidence as contained in the shorthand writer's notes, and may permit to be called or call any new evidence, and may recall any witness who gave evidence at the trial, and may either examine  
35 such witness or let him be examined and cross-examined by or on behalf of the appellant and the prosecutor.

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(8.) During the time allowed for an appeal and while an appeal is pending a sentence shall not be carried into execution, but the appellant shall be detained in custody in like manner as if he were awaiting his trial; and he shall be brought before the court in accordance with the prescribed rules, and the master of the 5 Crown Office shall give the prescribed notice of the appeal to the sheriff, gaoler, and other persons concerned in the execution of the sentence or the custody of the appellant, and shall also give such notice of the result of the appeal as may be necessary for carrying 10 into effect the final judgment of the court.

(9.) Where a person convicted by a Special Commission court is in custody and without legal assistance, and is desirous to appeal, it shall be the duty of the governor or other chief officer of the prison in which he is confined to assist him in making out and forwarding within due time a notice of appeal to the proper officer 15 in accordance with this Act.